

AN ORDINANCE AMENDING BCO SECTIONS 1141.10 AND 1141.14 TO PERMIT PUBLIC AND INSTITUTIONAL USES LOCATED WITHIN AREAS OF THE CITY WITH A ZONING CLASSIFICATION OF U-5 PUBLIC AND INSTITUTIONAL DISTRICT TO PLACE TEMPORARY, VERTICAL BANNERS ON UTILITY POLES WITHIN THE CITY’S RIGHT-OF-WAY AND TO PROVIDE STANDARDS AND REQUIREMENTS FOR SUCH USE.

WHEREAS, BCO Section 1141.10 currently provides that no signs shall be attached to utility poles nor located within any public right-of-way; and

WHEREAS, temporary vertical banners located on utility poles are a mechanism that has become increasing popular to promote community events; and

WHEREAS, in order to permit public and institutional uses that are located within areas of the City with a zoning classification of U-5 Public and Institutional District to utilize temporary, vertical banners on street poles within the City’s right-of-way, the City Planner has recommended that BCO Sections 1141.10 and 1141.14 be amended to provide standards and requirements for such banners located in the City’s right-of-way, which amendments are set forth on the attached Code sections, which are incorporated herein by reference; and

WHEREAS, on February 25, 2010, the Planning and Zoning Commission recommended the adoption of Ordinance No. 2010-29, amending BCO Sections 1141.10 and 1141.14.

NOW , THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio that:

Section 1: The Council of the City of Beachwood, having received the recommendations of the Planning and Zoning Commission for the attached amendments to BCO Sections 1141.10 and 1141.14 which are incorporated herein, and having placed the proposed amendments on first and second reading and set such amendments for Public Hearing on May 3, 2010, hereby adopts said amendments to the BCO.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of June, 2010, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of June, 2010.

Clerk

Approval: I have approved this legislation this 8th day of June, 2010 and filed it with the Clerk.

Mayor

AMEND PLANNING AND ZONING CODE BY AMENDING SECTIONS 1141.10 AND 1141.14 AS FOLLOWS:

1141.10 Location of Signs.

All signs shall be located in conformance with the following criteria:

- (a) No signs shall be attached to utility poles, street signs, or traffic control poles, **except in accordance with Section 1141.14(f)**.
- (b) No signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification signs at intersections, **except in accordance with Section 1141.14(f)**.
- (c) No sign shall be located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.
- (d) No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

1141.14 SIGNS IN PUBLIC AND INSTITUTIONAL DISTRICTS (U-5)

- (a) Area of Signs. The total area of all permanent signs for each use, parcel, building, or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner.
- (b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total sign area for permanent signs as calculated herein by fifty percent (50%).
- (c) Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:
 - (1) Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the sign's total height be extended above the top of the wall.
 - (2) Marquee Signs. Marquee signs may extend above the face or topside, but the vertical dimension of such sign, including the exposed portion of the face, shall not exceed four (4) feet.
 - (3) Monument Signs. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) monument sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Parcels which have frontage on two or more streets may have a second monument provided that the second monument sign is located on a different street and does not exceed forty (40) square feet in area nor eight (8) feet in height. Monument signs shall be located a minimum of ten (10) feet from all property boundary lines and the right-of-way line of any street, and shall be located a

minimum of twenty-five (25) feet from any residential zoning district line. Each monument sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each monument sign shall be landscaped with plant material as approved by the Building Commissioner.

(d) Wayfinding Signs. Buildings, lots, and parcels with multiple tenants and/or uses may submit a Wayfinding Signage Plan to the Planning and Zoning Commission as part of the Site Plan Review process. The Planning and Zoning Commission may, at its sole discretion, authorize the installation of wayfinding signs where it deems their use necessary and/or appropriate for guiding traffic flow on the site. Wayfinding signs approved by the Planning Commission shall not be counted as part of the total permitted sign area as set forth in subsections (a) and (b) hereof. The number, size, height, and location of wayfinding signs shall be as authorized by the Planning and Zoning Commission, provided however, that no such signs shall exceed a maximum of thirty (30) square feet in area or eight (8) feet in height.

(e) Temporary Signs.

- (1) One sign, which may be either a wall or free-standing sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing signs shall not exceed six (6) feet in height nor shall such signs be located less than ten (10) feet from the public right-of-way line of any street or any side lot line.
- (2) One temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of ten (10) feet from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of issuance of an occupancy permit by the Building Commissioner.
- (3) One temporary free-standing sign not exceeding six (6) square feet in area and six (6) feet in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such sign, however, said signs shall not require the approval of the Architectural Review Board.

(f) Temporary, Vertical Banners. **Temporary, vertical banners on street poles within the City's right-of-way shall be permitted only in accordance with the following standards:**

- (1) **A permit issued by the Building Department shall be required prior to the installation of any street pole banner. Applications for street pole banner permits shall be submitted to the Building Department on forms provided by the Building Department. The application for a permit must include the written consent of the property owner and pole owner.**
- (2) **Only vertical banners mounted to a single street pole shall be permitted. Horizontal banners extending between two poles shall not be permitted.**
- (3) **Banners are temporary and shall be permitted for a maximum period of six (6) months out of any calendar year. Applicants must re-apply**

for a new permit for each calendar year, which will require a new permit to be issued by the Building Department.

- (4) Applicants must have a facility, operation, or function located on the site for which a banner is requested. Banners shall be permitted only along the street frontage of the applicant.
- (5) Banners shall be canvas or vinyl and shall not exceed thirty (30) inches in width nor eighty-four (84) inches in height. Temporary, vertical banners shall be placed at a minimum height of fifteen feet six inches (15' 6") above grade.
- (6) Banners shall be attached to poles using a flexible support system that provides wind-load relief. The support system must be of a type approved by the owner of the street pole. If banners are removed for a period of more than six (6) months, the mounting system must be removed.
- (7) Installation of banners shall be performed by a qualified contractor authorized by both the City and the pole owner to perform such work. Installations shall be performed during non-peak traffic times as authorized by the City.
- (8) The Architectural Board of Review reserves the right to approve the message and image content of all banners proposed to be placed within the public right-of-way. Banners may provide information and identification regarding the approved institutional use and community and/or civic events. No commercial advertising shall be permitted on any street pole banner. Identification of sponsors may be permitted, but such identification shall not exceed a maximum of twenty percent (20%) of the total area of the banner.
- (9) Applicants shall be responsible for the continued maintenance of banners. The City may, at any time, order banners that are damaged or in disrepair to be replaced or removed. The City may remove banners that are unsightly or are determined to be hazardous.
- (10) A maximum of one (1) banner shall be permitted on any street pole.
- (11) City approval of banners is separate from approval by the pole owner.